Filed 4/8/09 In re J.J. CA1/3

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

In re J.J., a Person Coming Under the Juvenile Court Law.	
ALAMEDA COUNTY SOCIAL SERVICES AGENCY, Plaintiff and Respondent, v. P.L., Defendant and Appellant.	A122599 (Alameda County Super. Ct. No. 0J06005285)

This is an appeal from two juvenile court orders. The first order denied a motion by appellant P.L. (mother) to modify certain prior orders and to return J.J. (minor) to her custody pursuant to Welfare and Institutions Code, section 388.[1] The second order terminated mother's parental rights pursuant to section 366.26. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

On October 19, 2006, respondent Alameda County Social Services Agency (the agency) filed a petition, which was later amended, alleging that minor, born in June 2005, came within the provisions of section 300, subdivision (b) (failure to protect) and subdivision (g) (no provision for support). Specifically, the petition alleged that mother

[1] Unless otherwise stated, all statutory citations herein are to the Welfare and Institutions Code.

lacked permanent housing and had mental health issues that interfered with her ability to parent minor, and had left minor with a maternal aunt who had substandard housing and a criminal record that rendered her an inappropriate caregiver.[2] The petition further alleged that minor had been left without adequate provision for his support in that the identity and whereabouts of his father were unknown.[3]

According to the agency's jurisdictional/dispositional report filed on November 2, 2006, mother was eighteen years old, was abused as a child, suffered from several mental health conditions, and had little child rearing experience. While minor generally appeared healthy, affectionate, "bright, curious and playful," in April 2006, mother had been charged with child endangerment after leaving him in a car for at least fifteen minutes while shopping.

On November 8, 2006, the juvenile court removed minor from mother's custody after finding true the allegations in the petition.[4]

On December 20, 2006, the agency submitted an addendum report that noted appellant had met with a psychiatrist and had been prescribed medication and referred to the Schuman-Liles Center for follow-up treatment. Mother was also attending school, was scheduled to complete her coursework in January 2007, and had established a plan for minor's daycare. Mother reported to the agency that she was ready to care for minor and agreed to comply with her medication instructions and other terms of her case plan.[5] As such, following the dispositional hearing, the juvenile court adopted the agency's recommendation to return minor to mother's care on the condition that she receive family maintenance services and live in the home of a maternal relative.

---

[2] Mother has been diagnosed with post traumatic stress disorder, major depression, attention deficit disorder, and schizoaffective disorder.

[3] Mother initially identified Jeffrey as the alleged father; however, a subsequent paternity test established he was not the father and mother has not identified anyone else.

[4] The agency amended the petition on November 17, 2006 pursuant to a court order.

[5] Mother's updated case plan called for counseling and other therapy, medical evaluation and monitoring, maintaining contact with the agency, parenting education, and obtaining daycare for minor while she was working and attending school.

On February 27, 2007, the agency filed a supplemental petition pursuant to section 387 seeking a modified disposition to have minor removed from mother's custody and placed with P., minor's godmother. The supplemental petition, which was later amended, alleged that on January 9, 2007, mother left minor in the care of P. and that mother's whereabouts were now unknown. Further, on January 4, 2007, about two weeks after minor's return to mother's care, minor was treated at the hospital emergency room for a "significant" right femur fracture. Mother initially reported to the emergency room staff that on January 2, 2007, two days before minor was taken to the hospital, he was "running in the apartment" when he fell down and twisted his leg. Mother did not seek immediate medical care, however, because minor did not cry from the injury until the morning of January 4, 2007, at which time the agency advised her to take him to the hospital. Mother later reported to the hospital's orthopedics staff and to the agency, however, that minor had injured his leg falling off the bed, and she did not seek immediate medical care because she lacked insurance.

According to the hospital social worker, minor was crying persistently in the emergency room, yet mother seemed anxious, impatient, and detached from his emotional needs. The social worker thus opined that mother was in great need of bonding with her son.

Following this incident, the agency agreed minor could leave the hospital in mother's care on the condition that P. and the maternal grandmother would be available to provide support for six weeks while minor remained immobile and in a cast. However, on January 9, 2007, mother left minor in P.'s care and had no contact with the agency until January 12, 2007, when she agreed minor would stay temporarily with P. while she looked for housing.

On February 28, 2007, based on the above allegations, the juvenile court ordered minor to be detained in the care of P. and reunification services and visitation to be provided for mother.

On March 27, 2007, a jurisdictional/dispositional hearing was held on the section 387 supplemental petition. Mother appeared with counsel and submitted on the basis of

the agency's reports. Those reports recommended further reunification services for mother and indicated that she had recently found a job, moved into her own apartment, and claimed to be under the continuing care of a psychiatrist and compliant with her medication. The juvenile court thus continued minor's placement with P. and provided mother further services and unsupervised visitation. In addition, the court admonished mother that, pursuant to section 366.26, the case would proceed toward permanency planning by September 2007.

An interim review hearing was held June 6, 2007. The report submitted by the agency in anticipation of the hearing noted that mother was unemployed and living with her boyfriend, and had recently sustained torn ligaments in her leg after being hit by a truck at a crosswalk. Mother had attended three sessions of a parenting class and appeared very involved in the program, had attended her first anger management session, and was continuing to take medication and receive treatment at the Schulman-Liles Clinic. Mother was referred to the Therapeutic Guidance for Infants and Families (TGIF) program and was awaiting assessment. In addition, mother had three weekend visits with minor, as well as twice monthly unsupervised day visits.[6]

P. reported some problems with mother's inability to drop minor off on Sundays following their weekend visits, and with minor returning from those visits dirty and smelling of urine and feces. The juvenile court continued placement with P., but granted the agency discretion to increase visitation.

A six-month review hearing was held September 6, 2007. The agency reported that mother had completed a parenting class and had attended several sessions of an anger management class. Mother had also been referred to therapy and counseling at Family Paths.

In addition, mother had started the TGIF program and was off to a "great start." The TGIF assessment report noted that mother had a strong emotional commitment to

---

[6] Mother initially told P. that the agency had authorized overnight visits. In fact the agency had not done so, and so informed P., at which time the overnight visits stopped.

and love for minor, had many parenting skills, and was very reflective about his thoughts and feelings. The report further noted, however, indications that the relationship between mother and minor was under stress. For example, the observer noted an overall sense of depression in minor. There were moments when mother appeared to withdraw, during which minor too seemed to draw inward, occupying himself quietly with toys. Minor frequently had a flat or empty facial expression (although he showed enthusiasm and curiosity when an unfamiliar playmate engaged him). Minor rarely initiated contact with mother, although once she made a clear move toward him he would remain engaged with her for some time. Minor showed no outward response when mother left without giving him a clear goodbye.[7]

The report concluded that there were reasons to be concerned about minor's emotional development. In particular, minor's uncertainty and anxiousness may indicate concerns about mother's physical and emotional availability. Further, minor's flat, possibly depressed appearance mirrored mother's, and may be linked to her tendency to withdraw at unpredictable times.

Also at the six-month review hearing, P. reported further problems with minor's visitation with mother. Minor continued to return from visits dirty and smelling of urine and feces. Mother had also missed some visits, and had failed to meet P. and the minor at the BART station to pick minor up following a visit, as she had been instructed to do.

After the hearing, the juvenile court found that mother had only partially complied with the case plan. In particular, mother had not complied with her medical monitoring, was not taking prescribed medications, had not returned to the Schulman-Liles Clinic as instructed, and had only attended eight anger management sessions. As such, the court extended reunification services for six months while continuing minor's placement with P. In addition, the court again admonished mother that the matter was proceeding toward permanency planning pursuant to section 366.26 with a goal of March 27, 2008.

---

[7] The assessment report noted that minor's apparent casualness may be an inner defense against the distress of repeatedly losing one or another of his significant caregivers.

A twelve-month review hearing was held March 4, 2008. At the hearing, it was noted that TGIF staff had reported mother for suspected drug use on October 26, 2007. Accordingly, overnight and unsupervised visits were disallowed. Mother thereafter tested positive for cocaine metabolites and marijuana, and was referred to the East Oakland Recovery Center for outpatient treatment and testing. Mother had four subsequent positive drug tests in November and December 2007, but declined to attend any sessions at the West Oakland Health Council, where she had been referred for treatment. Mother finally began attending the drug treatment sessions on February 14, 2008, yet continued to deny using drugs and claimed not to know why she had tested positive.

P. reported that mother had participated in supervised visits two to three times per week since Christmas, and that the visits were generally fine. Minor often played or watched television on his own, and would often approach P. rather than mother when he was tired.

Mother had complained to the agency about not being permitted to have overnights visits, and was told they would be reinstated if she acknowledged drug use, tested negative and participated in drug treatment. Mother failed to comply with those conditions. In addition, mother refused to sign the agency's new case plan, which had been updated to include drug treatment and testing.

Mother had also been dropped from the TGIF program. After TGIF therapist Devasque reported mother for drug use on October 26, 2007, mother had not cooperated with Devasque's attempts to schedule in-home therapy sessions. In addition, mother had not attended any group therapy sessions since November 9, 2007.

On the positive side, mother had continued individual counseling, at least until her Medi-Cal coverage ended in January 2008. She had also continued medication monitoring, was taking medication for her psychosis, and had completed 26 of 30 anger management sessions.

Following the twelve-month review hearing, the juvenile court continued minor's placement with P. and assessed him as likely to be adopted.

A further hearing was set for April 11, 2008. An addendum report filed in anticipation of the hearing noted that mother had started drug treatment, and had attended 21 of 26 required sessions. Mother had been tested for drug use seven times, with two positive results, including one on March 10, 2008, just days after the last hearing. Mother claimed the positive tests may have been caused by one of her prescription medicines. The report noted mother still did not acknowledge having a drug problem, but appeared to have been using cocaine for quite a while. Following the hearing, the juvenile court found that mother had only partially complied with the case plan, and thus terminated reunification services but continued visitation. A section 366.26 hearing was set for August 6, 2008.

On July 9, 2008, mother filed a petition pursuant to section 388 seeking modification of the juvenile court's prior orders removing minor from her custody and placing him with P. Mother also sought return of minor and dismissal of jurisdiction.[8] Mother's petition alleged that she had substantially complied with the case plan and was prepared for minor's return to her care. In particular, as set forth in an attachment to the petition, mother had gotten a job, completed parenting and anger management programs, complied with medication requirements, continued therapy and regular visitation, and anticipated completing a drug treatment program on August 1, 2008.

On August 6, 2008, the juvenile court summarily denied the section 388 petition without granting mother an evidentiary hearing. In so ruling, the court noted that the attachment to mother's section 388 petition setting forth the grounds for modification was "an unsigned, unsworn statement, and we have absolutely no proof that any of it is true." The court nonetheless acknowledged that it had "considered all the arguments very seriously and I assumed that [mother's attorney] would never put anything in a court file that [he] did not believe to be true. So I believed [mother's] representations . . . . [¶] But as I said from the beginning, I just can't put this child through another attempt at

---

[8] The section 388 petition was re-filed on August 6, 2008.

reconciliation. . . . It's just much too little, much too late . . . ." A permanency planning hearing was thus held on August 27, 2008.

At the permanency planning hearing, after permitting testimony from mother and adoption court worker Sarah Lusardi, the juvenile court followed the agency's recommendation of choosing adoption as the permanent plan and terminating mother's parental rights.[9] In doing so, the court noted "we have timelines [for reunification] that we follow here. We've tried a return. It didn't work. This poor little kid has been bounced back and forth way too much, and I am not going to allow that situation to continue." This appeal followed.

DISCUSSION

Mother raises two issues for our review. First, mother contends the juvenile court abused its discretion in refusing to grant her a hearing on the section 388 petition before summarily denying it. Second, mother contends the juvenile court erred in terminating her parental rights after rejecting her argument pursuant to section 366.26, subdivision (c)(1)(B)(i),[10] that minor would benefit from continuing the parent-child relationship. We address each contention in turn.

I. Summary Denial of the Section 388 Petition.

A parent seeking modification of a prior juvenile court order pursuant to section 388 need only " 'make a prima facie showing to trigger the right to proceed by way of a full hearing. [Citation.]' (*In re Marilyn H.* (1993) 5 Cal.4th 295, 310 [19 Cal.Rptr.2d 544,

---

[9] Adding to what was stated in her section 388 petition, mother testified that she had completed a parenting class, participated in a drug treatment program, started a new job, found secure housing, begun classes to study child development, participated in individual counseling and Narcotics and Alcoholics Anonymous classes, complied with her medication regimen, and had visitations with minor at least four to five times a week, in addition to frequent phone calls.

[10] "Effective January 1, 2008, the Legislature amended and renumbered section 366.26, subdivision (c)(1). (Stats. 2006, ch. 838, § 52.) Former section 366.26, subdivision (c)(1)(A), is now section 366.26, subdivision (c)(1)(B)(i)." (*In re S.B.* (2008) 164 Cal.App.4th 289, 292 fn. 2.)

851 P.2d 826]; *In re Jeremy W.* (1992) 3 Cal.App.4th 1407, 1412-1414 [5 Cal.Rptr.2d 148].)" (*In re Anthony W.* (2001) 87 Cal.App.4th 246, 250.) "There are two parts to the prima facie showing: The parent must demonstrate (1) a genuine change of circumstances or new evidence, and that (2) revoking the previous order would be in the best interests of the children. (*In re Kimberly F.* (1997) 56 Cal.App.4th 519, 529 [65 Cal.Rptr.2d 495].)" (*In re Anthony W., supra,* 87 Cal.App.4th at p. 250; *In re C.J.W.* (2007) 157 Cal.App.4th 1075, 1079.)

Further, the juvenile court must "liberally construe" the allegations in the section 388 petition in favor of granting a hearing to consider the parent's modification request. (*In re Zachary G.* (1999) 77 Cal.App.4th 799, 806.) However, "conclusory claims are insufficient to require a hearing. Specific descriptions of the evidence constituting changed circumstances is required. 'Successful petitions have included declarations or other attachments which demonstrate the showing the petitioner will make at a hearing of the change in circumstances or new evidence.' (*In re Anthony W., supra,* 87 Cal.App.4th at p. 250.)" (*In re Ramone R.* (2005) 132 Cal.App.4th 1339, 1348.)

Specific descriptions of the evidence showing that revoking a previous order would be in the child's best interests is likewise required. A section 388 petition must not be granted if "[n]othing in . . . [the] petition rebuts the presumption that continued foster care [i]s in the best interests of the minor[]." (*In re Brittany K.* (2005) 127 Cal.App.4th 1497, 1507.)

In other words, " '[t]he prima facie requirement is not met unless the facts alleged, if supported by evidence given credit at the hearing, would sustain a favorable decision on the petition.' (*In re Zachary G.* (1999) 77 Cal.App.4th 799, 806 [92 Cal.Rptr.2d 20]; *In re Edward H.* (1996) 43 Cal.App.4th 584, 593 [50 Cal.Rptr.2d 745] ['A "prima facie" showing refers to those facts which will sustain a favorable decision if the evidence submitted in support of the allegations by the petitioner is credited'].)" (*In re Brittany K., supra,* 127 Cal.App.4th at p. 1505.)

On appeal, we review the juvenile court's summary denial of a section 388 petition for abuse of discretion. (*In re Anthony W., supra,* 87 Cal.App.4th at p. 250; *In re*

Jeremy W., supra, 3 Cal.App.4th at p. 1413.) "In general, 'when a court has made a custody determination in a dependency proceeding, ' "a reviewing court will not disturb that decision unless the trial court has exceeded the limits of legal discretion by making an arbitrary, capricious, or patently absurd determination [citations]." ' [Citations.] (*In re Stephanie M.* [1994] 7 Cal.4th 295, 318.)" (*In re Aaron R.* (2005) 130 Cal.App.4th 697, 705-706.)

Here, mother first claims the juvenile court improperly "impose[d] an additional evidentiary burden not required by [section 388]" in summarily denying her petition. Specifically, mother claims the court may have "overlook[ed] or disregard[ed]" her section 388 petition based on the mistaken belief that the attachment to her petition was required to be verified. While mother's petition, submitted on mandatory form JV-180, was verified, the attachment to it was not.

We agree with mother that section 388 contains no requirement that an attachment to the petition be separately verified.[11] (§ 388, subd. (a).) We disagree, however, that mother's failure to verify the attachment to her petition was the primary basis for the juvenile court's decision to deny her a hearing on the petition. Rather, the juvenile court made clear that, in summarily denying the petition, it was most concerned with the best interests of minor: "I believed [mother's] representations [in the petition]. . . . [¶] But as I said from the beginning, I just can't put this child through another attempt at reconciliation. . . . It's just much too little, much too late . . . ." The juvenile court's concern for minor's best interests was a proper basis on which to deny the hearing.

As other appellate courts have noted, "On the eve of a section 366.26 hearing, the child's interest in stability is the court's foremost concern, outweighing the parent's interest in reunification. Thus, a section 388 petition seeking reinstatement . . . of

---

[11] JV-180, the mandatory Judicial Council form for requesting modification of a court order pursuant to section 388, requires verification by the person submitting the form. JV-180 also permits that person to use an attachment "if you need more space for any of the answers." But rather than requiring the attachment to be verified, JV-180 merely provides: "Attach a sheet of paper and write 'JV-180' at the top of the page."

reunification services must be directed at the best interest of the child." (*In re Ramone R., supra*, 132 Cal.App.4th 1339, 1348-1349.) Where the section 388 petition is not so directed, a ruling that denies the petition without a hearing is appropriate. (*Ibid.* See also *In re Anthony W., supra*, 87 Cal.App.4th at pp. 251-252 [the juvenile court properly denied a section 388 petition without a hearing where there was no showing that it was in the minors' best interests to return to the parent's custody]; *In re Zachary G., supra,* 77 Cal.App.4th at p. 808 [same].)

The California Supreme Court is in agreement. "In any custody determination, a primary consideration in determining the child's best interests is the goal of assuring stability and continuity. [Citation.] 'When custody continues over a significant period, the child's need for continuity and stability assumes an increasingly important role. That need will often dictate the conclusion that maintenance of the current arrangement would be in the best interests of that child.' [Citations.] [¶] . . . [¶] After the termination of reunification services, the parents' interest in the care, custody and companionship of the child are no longer paramount. Rather, at this point 'the focus shifts to the needs of the child for permanency and stability' [citation], and in fact, there is a rebuttable presumption that continued foster care is in the best interests of the child. [Citation.] A court hearing a motion for change of placement at this stage of the proceedings must recognize this shift of focus in determining the ultimate question before it, that is, the best interests of the child." (*In re Stephanie M., supra,* 7 Cal.4th at p. 317.)

Here, by the time mother filed her section 388 petition, the juvenile court had terminated reunification efforts after well over twelve months of services based upon mother's repeated noncompliance with the case plan. Further, the case was ready for a section 366.26 permanency planning hearing. As such, minor's "interest in stability was the court's foremost concern, outweighing any interest mother may have in reunification. (*In re Beatrice M.* (1994) 29 Cal.App.4th 1411, 1418 [35 Cal.Rptr.2d 162].)" (*In re Anthony W., supra,* 87 Cal.App.4th at pp. 251-252.) Nonetheless, mother's petition, including the attachment, failed to demonstrate that modifying the juvenile court's prior removal orders and returning minor to mother would be in minor's best interests,

particularly given his secure and loving placement with P. and mother's recent history of drug abuse and other mental health issues. Thus, even liberally construed, the juvenile court could have reasonably concluded that mother's petition was inadequate to make the requisite prima facie showing under section 388. Thus, regardless of the adequacy of mother's showing of changed circumstances (which we need not consider), the juvenile court properly denied her petition without a hearing based upon considerations of the minor's best interests. (*Ibid.* See also *In re C.J.W., supra*, 157 Cal.App.4th at p. 1081 [concluding that, given "there was no showing whatsoever of how the best interests of these young children would be served by depriving them of a permanent, stable home in exchange for an uncertain future," it was not "reasonably likely additional testimony would have persuaded the court to grant the section 388 petition"]; *In re Aaron R., supra*, 130 Cal.App.4th at p. 706; *In re Zachary G., supra,* 77 Cal.App.4th at p. 808.)

Accordingly, there was no abuse of discretion in denying mother's section 388 petition without a hearing.

II. Termination of Parental Rights.

Mother next contends the juvenile court erred in terminating her parental rights pursuant to section 366.26 after concluding she had not established the applicability of any of the statutory exceptions for such termination. (§ 366.26, subd. (c)(1)(B).) Mother reasons that sufficient evidence existed to establish the exception set forth in section 366.26, subd. (c)(1)(B)(i) – to wit, that she had maintained regular visitation and contact with minor and that minor would benefit from continuing the parent-child relationship. We disagree.

As we have just explained, once reunification services are terminated, which occurred here on April 11, 2008, the juvenile court's focus shifts away from the parent's interest in reunification and toward the child's need for permanency and stability. (E.g., *In re Stephanie M., supra,* 7 Cal.4th at p. 317.) Accordingly, the Legislature mandates that, at a hearing held pursuant to section 366.26, the juvenile court adopt one of four alternative permanent plans. (§ 366.26, subd. (c)(1)-(4).) The Legislature prefers the

permanent plan of adoption. (*In re Beatrice M., supra,* 29 Cal.App.4th at p. 1416.) Further, "[i]f a court finds a child adoptable, it must terminate parental rights absent four specified circumstances in which it would be detrimental." (*Ibid*.)

Mother argues that terminating her parental rights would be detrimental to minor because, pursuant to section 366.26, subd. (c)(1)(B)(i), she has "maintained regular visitation and contact with the minor and the minor would benefit from continuing the relationship." The law governing this so-called "beneficial parent-child relationship exception" is as follows. "When determining whether the exception applies to bar termination of parental rights, the court balances the strength and quality of the parent-child relationship in a tenuous placement against the security and sense of belonging that a stable family would confer on the child. However, if severing the existing parental relationship would deprive the child of 'a substantial, positive emotional attachment such that the child would be greatly harmed, the preference for adoption is overcome and the natural parent's rights are not terminated.' [Citation.] In other words, if an adoptable child will not suffer great detriment by terminating parental rights, the court must select adoption as the permanency plan. (See § 366.26, subd. (c)(1).)" (*In re Dakota H*. (2005) 132 Cal.App.4th 212, 229; see also *In re Beatrice M., supra,* 29 Cal.App.4th at p. 1419 [" 'Interaction between [a] natural parent and child will always confer some incidental benefit to the child . . . . The exception applies only where the court finds regular visits and contact have continued or developed a significant, positive, emotional attachment from child to parent.' (*In re Autumn H.* [(1994)] 27 Cal.App.4th [567,] 575.)"].)[12]

---

[12] Mother asks that we reject the interpretation of the exception set forth in section 366.26, subdivision (c)(1)(B)(i), that has been adopted by other appellate courts in California. Specifically, mother claims our colleagues' conclusion that the exception under section 366.26, subdivision (c)(1)(B)(i), requires proof of a parental relationship that would be beneficial to the child to continue is "an overbroad and unnecessary interpretation of the statute." (See *In re Beatrice M., supra,* 29 Cal.App.4th at p. 1419; *In re Autumn H., supra,* 27 Cal.App.4th at p. 575.) However, this District has already rejected this same argument, noting that "*Autumn H*. has been widely followed by the Courts of Appeal, and both decisions are consistent with the statutory scheme and its

Here, the juvenile court terminated mother's parental rights after finding clear and convincing evidence that minor was likely to be adopted and that the permanence and stability offered by his continued placement with P. was in his best interests. In so ruling, the court determined there was not sufficient evidence to support application of the beneficial parent-child relationship exception. Specifically, the court found that mother had failed to show a relationship with minor more significant than that of a "favorite auntie." The evidence supported the court's conclusion, which was left to its discretion. (See *In re Eric B.* (1987) 189 Cal.App.3d 996, 1005 [juvenile court's determination of child's best interests will not be reversed absent a clear abuse of discretion].).

At the time of the section 366.26 hearing, minor was three years old and had been placed with P. for eighteen months. In addition, mother had received over twenty months of reunification services from the agency. While mother's relationship with minor was no doubt beneficial to him, there was evidence that minor appeared to have "some internalized anxiety" stemming from the instability and impermanence of their relationship. Further, while mother had progressed with her case plan by, among other things, visiting minor on a fairly regular basis, participating in drug treatment and completing parenting and anger management classes, she had yet to successfully complete drug treatment and still refused to acknowledge that she had a drug problem. Mother had tested positive for drugs as recently as March 10, 2008, just days after a hearing at which the court continued minor as a dependent child and ordered a further hearing for April 11, 2008. Moreover, the agency had concluded that mother likely had been using cocaine for a significant period of time.

The evidence further established that minor had developed a significant bond with P. Not only did minor view P. as his primary source of support, comfort and guidance, it was undisputed P. wished to adopt minor and could provide a stable, healthy, and loving home for him. It was also undisputed that P., a long-time family friend, would promote a

---

interpretation by our Supreme Court." (*In re Jasmine D.* (2000) 78 Cal.App.4th 1339, 1347.) We thus proceed to the relevant legal analysis.

healthy relationship between mother and minor regardless of mother's failure to reunify with him.

Based on these circumstances, the juvenile court concluded there was not sufficient evidence of such a strong parental relationship that terminating mother's parental rights would be greatly detrimental to minor. We agree. While the evidence may have shown that, after twenty months of reunification services, mother had finally begun working hard to meet the requirements of her case plan, the evidence did not show that her relationship with minor was so significant that its termination would be greatly detrimental to him, as section 366.26, subdivision (c)(1)(B)(i), requires. (*In re Dakota H.*, *supra*, 132 Cal.App.4th at p. 229; *In re Autumn H.*, *supra*, 27 Cal.App.4th at p. 575.) Rather, the evidence showed minor's need for permanency and stability would be best served by his adoption by P. Accordingly, we affirm the juvenile court's order terminating mother's parental rights.

DISPOSITION

The orders denying mother's petition for modification (§ 388) and terminating her parental rights (§ 366.26) are affirmed.

_____
Jenkins, J.

We concur:

_____
McGuiness, P. J.

_____
Siggins, J.